

**PATENT COOPERATION TREATY**

MF 09/06/05 PM12:37

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

To:  
**MORGAN & FINNEGAN, L.L.P.**  
 Attn. Blum, Israel  
 Three World Financial Center  
 New York, NY 10281-2101  
 UNITED STATES OF AMERICA

**INVITATION TO PAY ADDITIONAL FEES**

(PCT Article 17(3)(a) and Rule 40.1)

		Date of mailing (day/month/year)  31/08/2005
Applicant's or agent's file reference  1874-4045PC	<b>PAYMENT DUE</b>	within <del>ONE MONTH</del> from the above date of mailing
International application No.  PCT/IB2004/003475	International filing date (day/month/year)	22/10/2004
Applicant  TAMA PLASTIC INDUSTRY		

1. This International Searching Authority

- (i) considers that there are 5 (number of) inventions claimed in the international application covered by the claims indicated ~~see~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~see~~ on the extra sheet:

REVIEWED BY AUDIT DEPT

DATE 9/7 BY C

CASE 1874-4045PC ATTY BWB  
 DUE September 30, 2005 (Pay Add fees)  
 mo. call-up         
 BY Jm.

- (ii)  has carried out a partial international search (see Annex)  will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:  
 see annex
- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby **Invited**, within the time limit indicated above, to pay the amount indicated below:

EUR 1.550,00 x 4 = EUR 6.200  
 Fee per additional invention      number of additional inventions      total amount of additional fees

Or, \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3.  Claim(s) Nos. \_\_\_\_\_ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer  Bruno Gamboa Susin
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**Annex to Form PCT/ISA/206  
COMMUNICATION RELATING TO THE RESULTS  
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No
PCT/IB2004/003475

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
 

see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	DE 198 33 554 A1 (STAUCH, JOSEF, 97959 ASSAMSTADT, DE; STAUCH, JOSEF) 28 January 1999 (1999-01-28) cited in the application column 3, line 3 - line 21 figure 1 -----	1, 3-12, 19
Y	US 2004/121108 A1 (MASS NISSIM ET AL) 24 June 2004 (2004-06-24) cited in the application	1, 3-12, 19
A	paragraph '0014! paragraph '0031! - paragraph '0034! figure 3 -----	5, 6
Y	EP 0 233 471 A (CLAAS OHG) 26 August 1987 (1987-08-26)	19
A	column 1, line 3 - line 8 column 2, line 5 - line 17 column 3, line 3 - line 14 figure 2 -----	1, 3-6, 9, 10
Y	EP 1 369 516 A (TAMA PLASTIC INDUSTRY) 10 December 2003 (2003-12-10) paragraph '0011! figure 2 -----	12
	-/-	

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

\* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Annex to Form PCT/ISA/206  
COMMUNICATION RELATING TO THE RESULTS  
OF THE PARTIAL INTERNATIONAL SEARCH

International Application No  
PCT/IB2004/003475

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 4 703 605 A (ACKERMANN ET AL) 3 November 1987 (1987-11-03) cited in the application column 1, line 50 – line 59 column 2, line 53 – line 68 figure 3 -----	19

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-12, 19-21

Composite netting with vapor permeable and liquid impermeable panels.  
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2. claims: 13-18

Improved dimensions of a composite netting.  
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3. claims: 22, 23

Bale wrapping method for covering the lateral edges of the bale.  
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4. claims: 24-26

Wrapped bale comprising a three-layered cover.  
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5. claims: 27, 28

Disposition of panels on a composite netting.  
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The definitions of the different (groups of) claimed inventions are only intended to identify said inventions in a concise manner. They may well, as such, comprise terms or generalisations which upon a close analysis could be found to extend the defined subject-matter beyond the contents of the applications as filed.

Document EP0233471 discloses a composite netting comprising a continuous netting (17) and a plurality of material panels (12).

The special technical features, as defined in Rule 13.2 PCT, of the first group of claims, which are intended to be a contribution over this prior art, i.e. the feature of the material panels being substantially vapor permeable and liquid impermeable, apparently solve the problem of protecting the bale from rain and external moisture while allowing the bale to dry.

The special technical features, as defined in Rule 13.2 PCT, of the second group of claims, which are intended to be a contribution over said prior art, i.e. a netting segment having a segment length that is preselected to be substantially equal to 2.5 times the circumference of a bale, apparently solve the problem of ensuring an adequate coverage of the perimeter of a bale. Moreover, the composite netting of the second group of claims lacks some features in respect of the composite netting of the first group of claims (e.g. the number of panels can be a single

one instead of a plurality attached at preselected intervals, nothing is said about the breathing capability of the panel itself, but just about the material, and said panel is "connected" instead of "physically attached" to the netting), which makes it a completely different composite netting.

The special technical features, as defined in Rule 13.2 PCT, of the third group of claims, which are intended to be a contribution over said prior art, i.e. the step of cutting one or more outermost layers of the netting along a centerline, apparently solve the problem of covering the edges of a wrapped bale. Moreover, the netting of the third group of claims lacks some features in respect of the composite netting of the first group of claims (e.g. nothing is said about the breathing capability of the panel itself, but just about the material, and the partial attachment of the panels to the netting is not described and thus not necessarily the same as in the first group of claims), which makes it a completely different netting.

The special technical features, as defined in Rule 13.2 PCT, of the fourth group of claims, which are intended to be a contribution over said prior art, i.e. a three-layered wrapped bale with a layer of breathable material wrapping the bale one time, apparently solve the problem of ensuring an adequate degree of protection and stability of the cover of a bale. Moreover, the netting of the fourth group of claims lacks some features in respect of the composite netting of the first group of claims (e.g. the number of panels can be a single one instead of a plurality attached at preselected intervals, being even possible that the layers are independent and not continuous, and the partial attachment of the panels to a netting is not described and thus not necessarily the same as in the first group of claims), which makes it a completely different netting.

The special technical features, as defined in Rule 13.2 PCT, of the fifth group of claims, which are intended to be a contribution over said prior art, i.e. a disposition of panels partially attached to the netting at preselected intervals, apparently solve the problem of providing a reasonable stock of composite netting on a roll of wrap. Moreover, the netting of the fifth group of claims lacks some features in respect of the composite netting of the first group of claims (e.g. nothing is said about the breathing capability of the panel itself, but just about the material, and the partial attachment of the panels to a netting is not described and thus not necessarily the same as in the first group of claims), which makes it a completely different netting.

No same or similar special technical features can be determined and different underlying problems are solved. Moreover, it is clear that the five claimed inventions can be applied independently of each other, i.e. they are not necessarily inter-related.

It appears therefore that no technical relationship between the various claimed inventions exists involving one or more of the same or corresponding special technical features, beside the common and already well known feature of providing a composite netting, see document EP0233471. The five groups of claims are thus not so linked as to form a single general inventive concept.

Furthermore, searching more than one of these different subjects would have caused major additional search efforts.

Before following the invitation to pay additional search fees the applicant is advised to carefully consider his intentions in later stages of the procedure (i.e. Chapter II).

Applicant should take into account that additional search fees, once paid, are unlikely to be refunded if at such a later stage it becomes in retrospect apparent that in the light of amendments of the claims such a payment was in fact unnecessary.

Such a case may arise where the applicant in that later stage of the proceedings arrives at a subject-matter to be protected which includes the further subjects here identified only in dependency on the subject identified here as the main (first) invention.

On the other hand the applicant is advised that not following the invitation may lead to a loss of rights concerning those subjects per se, identified here as further inventions.

**Patent Family Annex**

Information on patent family members

International Application No <b>PCT/IB2004/003475</b>	
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Patent document cited in search report		Publication date	Patent family member(s)		Publication date
DE 19833554	A1	28-01-1999	NONE		
US 2004121108	A1	24-06-2004	AU 2003288624 A1		29-07-2004
			WO 2004060768 A1		22-07-2004
EP 0233471	A	26-08-1987	DE 3601361 A1		23-07-1987
			EP 0233471 A1		26-08-1987
EP 1369516	A	10-12-2003	DE 29825132 U1		24-03-2005
			EP 1371768 A1		17-12-2003
			EP 1369516 A1		10-12-2003
			AT 248243 T		15-09-2003
			AU 743282 B2		24-01-2002
			AU 8962398 A		17-06-1999
			BR 9804478 A		18-09-2001
			CA 2251235 A1		25-05-1999
			DE 69817510 D1		02-10-2003
			DE 69817510 T2		17-06-2004
			DK 919655 T3		24-11-2003
			EP 0919655 A2		02-06-1999
			ES 2202761 T3		01-04-2004
			JP 11315453 A		16-11-1999
			NO 984998 A		26-05-1999
			NZ 332595 A		28-07-2000
			PT 919655 T		31-12-2003
			US 6521551 B1		18-02-2003
			US 2001004572 A1		21-06-2001
			ZA 9810074 A		31-05-1999
US 4703605	A	03-11-1987	DE 3429203 A1		20-02-1986
			FR 2568745 A1		14-02-1986
			GB 2167344 A ,B		29-05-1986
			JP 1866392 C		26-08-1994
			JP 5075364 B		20-10-1993
			JP 61047120 A		07-03-1986

## **Important information**

~~Rule 40 PCT has been amended as of 1 April 2005.~~ For general information on the protest procedure under the PCT please refer to OJ EPO 3/2005, pages 226/227.

1. As in the past the payment of any additional fee may be made under protest i.e. accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive according to amended Rule 40.2(c) PCT.
2. Although no longer obligatory, prior to examination of the protest by the Board of Appeal the EPO will subject the invitation to pay additional fees to an internal review which is free of charge. The result of this review will be communicated to the applicant.
3. The fee for examination of the protest (Rule 40.2(e) PCT) is payable within one month of the date of the invitation to pay additional fees (Rule 40.1(iii) PCT), however, in order to allow the applicant to consider the result of the internal review, the applicant may pay the protest fee within one month from the date of notification of the result of the review.
4. Should the applicant wish to maintain his protest in light of the review he must pay the protest fee within one month from the date of notification of the result of the internal review, in which case the protest will be referred to the Board of Appeal. Should the Board of Appeal find that the protest was entirely justified, the protest fee shall be refunded.
5. In the event of the applicant already having paid the protest fee before notification of the result of the review, the protest will be referred to the Board of Appeal **unless** the result of the internal review was that the protest was **entirely justified or** the applicant indicates within one month from the date of notification of the result of the review that he does not wish to continue the protest, in both cases the protest fee will be refunded.

## **Important Information**

### **General**

- The **claims cannot be changed** at this point in the procedure, the transmitted report is **not** the international search report (see Art. 19 PCT).
- Any payment has to be made **directly** to this ISA, payments to other entities will not be accepted.
- In case of a **total of more than 2 inventions** found: when paying please **specify exactly** which claims should be searched.
- An **extension of the set time limit** cannot be granted.

### **Payment by cheque:**

- The **date to be considered as the date on which the payment is made** is the **date of receipt of the cheque at the EPO**, provided that the cheque is **met**.
- Copies of cheques sent by fax or by post are not considered to be a valid payment.
- The fees shall be paid in euro, no equivalents in other currencies.

### **Payment or transfer to a bank account:**

- The **date to be considered as the date on which the payment is made** is the date on which the amount of the payment or the transfer is **actually entered** in a bank account or Giro account held by the EPO.
- The fees shall be paid in euro, no equivalents in other currencies.

### **Payment by deposit account:**

- The **date to be considered as the date on which the payment is made** is the date that the **authorisation** to deduct fees from the deposit account is **received at the EPO**.

**Note:** If you don't have a deposit account with the EPO yourself you might want to consider using the account of an associate as a safe and quick way of paying.

### **Payment by credit card:**

- Payments by **credit card** are **not possible**.

### **Payments under protest according to Rule 40 PCT:**

- The protest will **not be accepted without a payment** of additional fees.
- The protest has to be **accompanied by a technical reasoning**.